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| APPLICATION NO.  | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO.          | CONFIRMATION NO. |
|--|-------------|----------------------|------------------------------|------------------|
| 09/963,241   | 09/26/2001  | Charles Mulinder     | 6311-053                     | 8583             |
| 21890 7590 12/28/2006<br>PROSKAUER ROSE LLP<br>PATENT DEPARTMENT<br>1585 BROADWAY<br>NEW YORK, NY 10036-8299 |             |                      | EXAMINER<br>CHANDLER, SARA M |                  |
|  |             |                      | ART UNIT<br>3693             | PAPER NUMBER     |

| SHORTENED STATUTORY PERIOD OF RESPONSE | MAIL DATE  | DELIVERY MODE |
|--|------------|---------------|
| 31 DAYS                                | 12/28/2006 | PAPER         |

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

|                              |                 |                 |  |
|------------------------------|-----------------|-----------------|--|
| <b>Office Action Summary</b> | Application No. | Applicant(s)    |  |
|                              | 09/963,241      | MULINDER ET AL. |  |
|                              | Examiner        | Art Unit        |  |
|                              | Sara Chandler   | 3693            |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 03 November 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-74 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) \_\_\_\_\_ is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☒ Claim(s) 1-74 are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Response to Amendment***

This Office Action is responsive to Applicant's arguments and request for reconsideration of application 09/963,241 (09/26/01) filed on 11/03/06.

Upon further review and consideration it has become apparent that the application is subject to Election/Restriction requirements.

### ***Election/Restrictions***

Restriction to one of the following inventions is required under 35 U.S.C. 121:

- I. Claims 1-25 and 31-69, drawn to methods and systems for managing risk associated with providing real-time trading services, classified in class 705, subclass 26.
- II. Claims 26-29 and 70-73, drawn to methods and systems for managing risk associated with a plurality of price requests, classified in class 705, subclass 35.
- III. Claims 30 and 74, drawn to methods and systems for managing risk associated with a block trade request, classified in class 705, subclass 37.

The following inventions are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct if they do not overlap in scope and are not obvious variants, and if it is shown that at least one subcombination is separately usable.

Inventions I and II: In the instant case, subcombination II has separate utility such as aggregating said plurality of price requests into a block trade price request. See MPEP § 806.05(d).

Inventions I and III: In the instant case, subcombination III has separate utility such as booking a trade into said risk management system corresponding to said at least one individual based on said notional and said tenor. See MPEP § 806.05(d).

Inventions II and III: In the instant case, subcombination III has separate utility such as booking a trade into said risk management system corresponding to said at least one individual based on said notional and said tenor. See MPEP § 806.05(d).

The examiner has required restriction between subcombinations usable together. Where applicant elects a subcombination and claims thereto are subsequently found allowable, any claim(s) depending from or otherwise requiring all the limitations of the allowable subcombination will be examined for patentability in accordance with 37 CFR 1.104. See MPEP § 821.04(a). Applicant is advised that if any claim presented in a continuation or divisional application is anticipated by, or includes all the limitations of, a claim that is allowable in the present application, such claim may be subject to provisional statutory and/or nonstatutory double patenting rejections over the claims of the instant application.

Because these inventions are independent or distinct for the reasons given above and there would be a serious burden on the examiner if restriction is not required because the inventions have acquired a separate status in the art due to their

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recognized divergent subject matter, restriction for examination purposes as indicated is proper.

This application also contains claims directed to the following patentably distinct species.

In the event that invention I is elected further election to one of the following species is also required:

- I. Claims 1-25 and 45-69, drawn to managing risk associated with providing real-time trading services involving adjusting future quotes based on total exposure is involved.
- II. Claims 31-33, drawn to managing risk associated with providing real-time trading services involving reserving a portion of said client's credit for the duration of at least one of a plurality of dealing quotes is involved.
- III. Claims 34-41, drawn to managing risk associated with providing real-time trading services involving manually modifying at least one of a plurality of dealing quotes before at least one of a plurality of dealing quotes is provided to the client.
- IV. Claims 42-44, drawn to managing risk associated with providing real-time trading services involving booking all of at least one trade when a threshold is reached.

The species are independent or distinct because species I can minimize risk in future transactions, species II can minimize risk associated with client's with insufficient credit, species III allows for manual modifications which help avoid risk associated with

system errors and glitches and species IV can minimize risk by booking trades that when the amount is advantageous or preferred.

In the event that invention II is elected further election to one of the following species is also required:

- I. Claims 26 and 70, drawn to managing risk associated with a plurality of price requests involving providing a single dealing price quote for said block trade price request.
- II. Claims 27 and 71, drawn to managing risk associated with a plurality of price requests involving aggregating a plurality of price requests according to tenors into tenor groups.
- III. Claims 28,29,72 and 73, drawn to managing risk associated with a plurality of price requests involving booking a block trade into a risk management system.

The species are independent or distinct because species I can simplify managing risk by providing a single dealing price quote for a block trade price request. species II can be used to correlate price requests with different characteristics and species III can be used to evaluate trades via a risk management system.

Applicant is required under 35 U.S.C. 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently, none is generic.

Applicant is advised that a reply to this requirement must include an identification of the species that is elected consonant with this requirement, and a listing of all claims

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readable thereon, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered nonresponsive unless accompanied by an election.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which depend from or otherwise require all the limitations of an allowable generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

Because these inventions are independent or distinct for the reasons given above and the inventions require a different field of search (see MPEP § 808.02), restriction for examination purposes as indicated is proper.

The examiner has not contacted the applicant for election over telephone due to the complex nature of the election/restriction requirement (see MPEP §812.01 (R-3)).


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sara Chandler whose telephone number is 571-272-1186. The examiner can normally be reached on 8-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammell can be reached on 571-272-6712. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

SMC



JAGDISH N. PATEL  
PRIMARY EXAMINER